

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 50-61 are presently active. Claims 42-49 are canceled, and Claims 50-61 are added, by the foregoing amendment. Applicants respectfully submit that support for new Claims 50-61 is self-evident from the originally-filed disclosure, including the original claims, Figure 9, and Figure 11(b). No new subject matter has been introduced by the foregoing amendment.

In the Office Action, Claims 42-43 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Claims 42-49 were rejected under 35 U.S.C. § 102(e) as anticipated by Kim et al. (U.S. Patent No. 6,470,135; hereinafter "Kim").

Claims 42-49 are canceled by the present amendment. Therefore, rejections pertaining to the same have been rendered moot. However, the concerns set forth in the rejection under 35 U.S.C. § 101, and the distinctions between new Claims 50-61 and Kim, will be addressed below.

Applicants respectfully submit that new medium Claims 50-52 are directed to statutory subject matter under 35 U.S.C. § 101. For example, each of these claims recites "a management area configured to store control information used to access the data area to reproduce at least a portion of the information of I-pictures with a reproducing apparatus." Applicants respectfully submit that MPEP § 2106 discusses statutory subject matter in relation to data structures of a computer readable medium. Specifically, MPEP § 2106 provides, in relevant part, that

**...a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.**

Based on the clear language of this section, Applicants respectfully submit that new medium Claims 50-52 are statutory, as each of these independent claims defines a functionality that is realized based on an interrelationship of a structure to a medium and recited hardware components.

Regarding the application of Kim to new Claims 50-61, each of these claims recites that a “data unit has leading information including at least one of a program association table and a program map table, wherein...the leading information is located at a leading side of the data unit.” These features are supported at least by Applicants’ non-limiting Figure 11(b), in which a program association table is represented by “PAT” and a program map table is represented by “PMT”.<sup>1</sup>

By contrast, Kim fails to disclose this claimed feature. Rather, each SOBU described in Kim includes transport stream packet arrival times,<sup>2</sup> not a program association table or a program map table. For at least this reason, Applicants respectfully submit that Claims 50-61 are patentable over Kim.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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<sup>1</sup> See, e.g., Applicants’ specification at page 11, lines 1-8, and page 33, lines 6-12.

<sup>2</sup> Kim at Figure 3 (TS APAT).